

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JOSE GERALDO P. DOS SANTOS,

Plaintiff,

V.

BOROUGH OF FLEMINGTON, et al.,:

Defendants.

Civil Action No.: 10-1348 (FLW)

ORDER ADOPTING REPORT & RECOMMENDATION

This matter is before the Court upon a motion by Defendants Borough of Flemington (“Borough”), Police Chief George Becker (“Becker”), Police Officer Louis Hribik (“Hribik”), and Detective Michael Mariaschin (“Mariaschin”) (collectively, “Defendants”) to dismiss Plaintiff Jose Geraldo P. Dos Santos’ (“Plaintiff”) Complaint pursuant to Fed. R. Civ. P. 37 for failure to cooperate in the discovery process; it appearing that this matter was referred to the Honorable Douglas E. Arpert, U.S.M.J., pursuant to 28 U.S.C. § 636(b)(1), for a Report and Recommendation; and Magistrate Judge Arpert having considered the moving and opposition papers pursuant to Fed.R.Civ. P. 78; and for the reasons stated in his Report and Recommendation, finding that Plaintiff has repeatedly failed to comply with Court orders, to prosecute this matter, and to conclude discovery in a timely fashion; and it further appearing that no objection to Magistrate Judge Arpert's Report and Recommendation was filed; accordingly, for the reasons stated in the January 4, 2012 Report and Recommendation; and for good cause shown:

It is on this 7th day of February, 2012,

ORDERED that the Court approves and adopts the January 4, 2012 Report and Recommendation of the Honorable Douglas E. Arpert, U.S.M.J.; and it is further

ORDERED that Defendants' motion to dismiss (Docket Entry No. 17) is **GRANTED**, and Plaintiff's Complaint is dismissed **without prejudice**; and it is further

ORDERED that this case is **CLOSED**.

/s/ Freda L. Wolfson
Freda L. Wolfson, U.S.D.J.